

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:05CR93  
Plaintiff, )  
v. ) ORDER  
RUDOLPH GEORGE STANKO, )  
Defendants. )

This matter is before the court on defendant's motion for release from custody pending trial and sentencing pursuant to Fed. R. Crim. P. 46(a) and 46(c). Filing No. 279.<sup>1</sup> The defendant contends that he will be sentenced for his conviction in *United States v. Stanko*, 8:05CR93, pursuant to the Federal Sentencing Guidelines, § 2K2.1(b)(2), with an offense level of 6. He argues that he has already served sixty days and should be released. The court disagrees and concludes that this motion should be denied. The court will await the presentence report and recommendation prior to making any assumptions regarding the sentencing of the defendant in this case. Likewise, defendant will be held in custody pending trial in his criminal case, *United States v. Rudolph Stanko*, 8:06CR50.

THEREFORE, IT IS ORDERED that defendant's motion for release, Filing No. 279, is denied.

Dated this 11<sup>th</sup> day of May, 2006.

BY THE COURT;

s/Joseph F. Bataillon  
United States District Judge

<sup>1</sup>Counsel for the defendant has captioned this motion and included case number 8:06CR50 for filing. Counsel is not the attorney of record in 8:06CR50 and cannot file on behalf of defendant in that case. Consequently, this motion has not been filed in case number 8:06CR50.